

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-CR-00093-RJC-DCK

USA

v.

TONY OBRIAN DAVIS

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ORDER

THIS MATTER is before the Court on the defendant's motion for a second continuance of the trial of this case, currently scheduled during the June 3, 2019 criminal term. (Doc. No. 21).

On February 21, 2019, the government filed a complaint alleging that the defendant possessed a firearm as a convicted felon. (Doc. No. 1 at 1). The grand jury subsequently indicted the defendant for that offense and drug trafficking crimes. (Doc. No. 11). The case was set for trial during the April 2019 term, (Scheduling Order, March 26, 2019). At that time, the government was ordered to provide required discovery within ten days. (Discovery Order, March 26, 2019). Former counsel moved to continue the case to the June 2019 term, (Doc. No. 13), which the Court granted, (Doc. No. 16: Order). After the defendant complained about that lawyer, (Doc. Nos. 17, 18), current counsel was appointed on May 1, 2019.

In the instant motion for a second continuance, current counsel states he has not received "all of the discovery." (Doc. No. 21 at 1). It is unclear whether prior counsel has not forwarded discovery to current counsel or whether the government has not yet provided the materials as required by the scheduling order.

IT IS, THEREFORE, ORDERED that on or before May 20, 2019, the government shall file a response to the defendant's motion, including the allegation that he has not received "all the discovery." The government shall specifically address whether all information required to be disclosed in early April was provided to former counsel or current counsel, and, if not, why not and the expected schedule for its provision. If an evidentiary hearing is necessary to resolve the motion to continue, the parties will be notified by separate order.

Signed: May 8, 2019

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

